

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHILENE SATCHELL o/b/o W.J.,

Plaintiff,

05 CV 1837 (KMW) (FM)
OPINION and ORDER

-against-

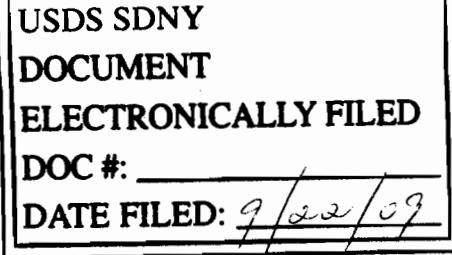
MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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KIMBA M. WOOD, U.S.D.J.:

Pro se petitioner Shilene Satchell ("Satchell") brings this action on behalf of her minor son, W.J., pursuant to Section 405(g) of the Social Security Act, 42 U.S.C. § 405(g). Satchell seeks review of the final decision of the Commissioner of the Social Security Administration ("Commissioner") to deny W.J.'s application for Supplemental Security Income. The Commissioner moves for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c).

On August 27, 2009, Magistrate Judge Frank Mass issued a Report and Recommendation (the "Report"), familiarity with which is assumed. The Report concludes that the Commissioner's determination that W.J. is not disabled within the meaning of the



Social Security Act is supported by substantial evidence. The Report recommends that the Commissioner's decision should be upheld. See Cordero v. Astrue, 574 F. Supp. 2d 373, 376 (S.D.N.Y. 2008). No objections have been filed to the Report.¹

For the following reasons, the Court adopts the Report in its entirety and GRANTS the Commissioner's motion for judgment on pleadings.

I. Standard of Review

When no objections are filed to a magistrate judge's report and recommendation, a district court need only satisfy itself that there is no "clear error on the face of the record" in order to accept the recommendation. Fed. R. Civ. P. 72(b) advisory committee's note; see also Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

II. Analysis

The Court has reviewed the Report and finds it to be well-reasoned and free of any clear error on the face of the record. The Court agrees with the Report's conclusion that substantial

¹ The Report informed the parties that they had ten days from service of the Report to file any objections. The Report also informed the parties that they could request an extension of time to file such objections. The Report explicitly cautioned that failure to file timely objections would preclude appellate review. No objections have been filed to the Report, and the time to object has expired.

evidence supports the Commissioner's decision that W.J. is not disabled within the meaning of the Social Security Act, and thus is not eligible for Supplemental Security Income benefits. The Court, therefore, adopts the Report in its entirety.

III. Conclusion

Accordingly, the Court GRANTS the Commissioner's motion for judgment on the pleadings. (D.E. 20). The Clerk of the Court is directed to close this case.² Any pending motions are moot. SO ORDERED.

DATED: New York, New York
September 22, 2009

Kimba M. Wood
KIMBA M. WOOD
United States District Judge

² The parties' failure to object to the Report precludes appellate review of this Court's decision to adopt the Report. Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989) (holding that failure to file timely objections to a magistrate judge's report and recommendation operates as a waiver of appellate review of the district court's ultimate order).